

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)
OF DTE ENERGY TRADING, INC., FOR A)
CERTIFICATE TO PROVIDE ELECTRIC) PSC DOCKET NO. 04-142
SUPPLY SERVICE WITHIN THE STATE OF)
DELAWARE (FILED APRIL 19, 2004))

ORDER NO. 6456

ELECTRIC SUPPLIER CERTIFICATE

This 10th day of August, 2004, the Commission determines and
Orders the following:

1. In the Electric Restructuring Act of 1999 (72 Del. Laws Ch. 10), the General Assembly instituted a new regime to govern the generation, supply, and sale of electricity within this State. Under such regime, the regulation of the supply of electricity has ended and been replaced with the opportunity for retail customers to purchase electric supply from a supplier competing in an essentially non-supervised market. Thus, since October 1, 1999, the generation, supply, and sale of electricity (including all related facilities and assets) has no longer been regulated by the Commission as a public utility service or function. 26 Del. C. § 1003(a).

2. Under the Act, every "Electric Supplier" seeking to provide "Electric Supply Service" under this new regime must obtain an Electric Supplier certificate from the Commission. 26 Del. C. § 1012(a). Pursuant to the authority granted by 26 Del. C. § 1012(a) and (b), the Commission has adopted, in Regulation Docket No. 49, "Rules for the Certification and Regulation of Electric Suppliers"

("ES Rules"). See PSC Order No. 5207 (Aug. 31, 1999) (adopting initial ES Rules). The ES Rules set forth the criteria for Electric Supplier certification and lay the ground rules for how certificated Electric Suppliers must operate within the new competitive regime.

3. On April 19, 2004, DTE Energy Trading, Inc., filed an application to be certificated as an Electric Supplier to provide Electric Supply Service to Customers within this State. Staff reports that the application filed by DTE Energy Trading, Inc., meets all the criteria set forth in Section II of the ES Rules and that DTE Energy Trading, Inc., appears to possess the financial, operational, managerial, and technical capabilities to offer Electric Supply Service to customers.¹ In light of Staff's recommendations, the Commission hereby grants an Electric Supplier Certificate to DTE Energy Trading, Inc.

Now, therefore, **IT IS ORDERED:**

1. That DTE Energy Trading, Inc., is hereby granted, under 26 Del. C. § 1012(a) and Section II of the "Rules for the Certification and Regulation of Electric Suppliers," a certificate to do business, and operate, as an Electric Supplier within this State. Under this certificate, DTE Energy Trading, Inc., is authorized to provide Electric Supply Service to Customers within this State in accord with 26 Del. C. Chapter 10.

¹ Notice of such application by DTE Energy Trading, Inc., was published in The News Journal and the Delaware State News newspapers on June 24, 2004. No objections to the application were received. Notice of the Commission's intent to grant DTE Energy Trading, Inc., a final Electric Supplier Certificate was posted on the Commission's

2. That DTE Energy Trading, Inc., shall at all times provide Electric Supply Service in accord with the requirements imposed by 26 Del. C. Chapter 10 and the Commission's "Rules for the Certification and Regulation of Electric Suppliers," as presently existing, or as may be hereafter amended or supplemented. DTE Energy Trading, Inc., is hereby notified that a violation of such statute or such rules may be enforced by the sanctions permitted by 26 Del. C. §§ 1012(a) and 1019, and Section X ¶ 2 of the "Rules for the Certification and Regulation of Electric Suppliers."

3. That DTE Energy Trading, Inc., pursuant to the provisions of 26 Del. C. § 1012(c)(2) and Section III ¶ 10 of the "Rules for the Certification and Regulation of Electric Suppliers," shall file such returns and pay such assessments as may be required, or may be imposed, by 26 Del. C. §§ 114 and 115.

4. That DTE Energy Trading, Inc., shall, pursuant to Section II ¶ 1(i) and Section III ¶ 4 of the "Rules for the Certification and Regulation of Electric Suppliers," file with the Commission a standard form of contract for each class of customers to which it intends to offer Electric Supply Service. Such form of contract shall be filed with the Commission at least twenty-one (21) days prior to DTE Energy Trading, Inc.'s offering Electric Service Supply to such class of customers under such standard form of contract.

5. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Internet website at "www.state.de.us/delpsc." Again, no objections

/s/ Arnetta McRae

Chair

/s/ Donald J. Puglisi
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Karen J. Nickerson
Secretary

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